

By: Estes, Campbell
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S.B. No. 1398

A BILL TO BE ENTITLED

AN ACT

1
2 relating to rules governing the allocation of delegates to a
3 political party's national presidential nominating convention.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 191.007, Election Code, is amended to
6 read as follows:

7 Sec. 191.007. ALLOCATION OF DELEGATES. (a) Each political
8 party holding a presidential primary election shall adopt a rule
9 for allocating delegates [~~based on the results of the presidential~~
10 ~~primary election~~].

11 (b) A rule adopted under this section may utilize either a
12 proportional or winner-take-all method, based on the results of the
13 primary election, which may be based on:

14 (1) a direct tie to statewide popular vote totals;

15 (2) a direct tie to congressional or state senatorial
16 district popular vote totals; or

17 (3) an alternative disproportionate method that is
18 based on statewide, congressional district, or state senatorial
19 district popular vote totals.

20 (c) Subsection (b) does not apply to delegates allocated:

21 (1) among party and elected officials; or

22 (2) through an allocation based on participants
23 registering for or attending a caucus or similar process. [At least
24 75 percent of the total number of delegates who are to represent

1 ~~this state at the party's national presidential nominating~~
2 ~~convention, excluding delegates allocated among party and elected~~
3 ~~officials, shall be allocated in accordance with the rule among one~~
4 ~~or more of the candidates whose names appear on the presidential~~
5 ~~primary election ballot and, if applicable, the uncommitted~~
6 ~~status.]~~

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2013.